

DEC 21 2005

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

NORMAN ANTHONY KING,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA; et al.,

Defendants - Appellees.

No. 04-15596

D.C. No. CV-99-04491-VRW

MEMORANDUM\*

Appeal from the United States District Court  
for the Northern District of California  
Vaughn R. Walker, District Judge, Presiding

Submitted December 5, 2005\*\*

Before: SCHROEDER, Chief Judge, GOODWIN and TASHIMA, Circuit  
Judges.

Norman Anthony King appeals pro se the district court's summary judgment  
in favor of the United States and various federal agencies and federal officials, in  
King's action asserting tort, contract, and *Bivens* claims relating to his

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\* This disposition is not appropriate for publication and may not be  
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without  
oral argument. See Fed. R. App. P. 34(a)(2).

imprisonment in Mexico, extradition to the United States, and prosecution and convictions for bank fraud, wire fraud, mail fraud, counterfeiting, and money laundering. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo, *Feiler v. United States*, 62 F.3d 315, 316 (9th Cir. 1995), and we affirm.

The district court properly granted summary judgment on King's claims under the Torture Victim Protection Act, 28 U.S.C. § 1350, because none of the Mexican citizens who purportedly tortured King were named in the suit.

The district court properly dismissed King's claims under the Alien Tort Claim Act because King's exclusive remedy for violation of the law of nations is through the Federal Tort Claims Act ("FTCA"). *See Alvarez-Machain v. United States*, 331 F.3d 604, 631-32 (9th Cir. 2003), *rev'd on other grounds*, *Sosa v. Alvarez-Machain*, 542 U.S. 692 (2004).

The district court properly granted summary judgment on King's FTCA and *Bivens* claims stemming from an alleged attempted abduction and seizure of property in 1995 because they were time-barred, *see* Cal. Civil Proc. Code § 340(3), and any claims relating to King's arrest and detention were barred under *Heck v. Humphrey*, 512 U.S. 477 (1994).

The district court properly granted summary judgment on King's *Bivens* claims stemming from his 1997 arrest and detention because they were barred

under *Heck*. See *Martin v. Sias*, 88 F.3d 774, 775 (9th Cir. 1996) (holding that *Heck*'s requirements apply equally to *Bivens* actions).

The district court properly concluded that King's tort claims arising from his arrest and detention were barred by the FTCA's "foreign activities" exception. See 28 U.S.C. § 2680(k); *Sosa v. Alvarez-Machain*, 542 U.S. at 712.

King's remaining contentions lack merit.

**AFFIRMED.**